


UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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|-------------------------|---|-----------------------|
| MICHAEL PACHECO, |) | 3:07-cv-00589-HDM-RAM |
| |) | |
| Plaintiff, |) | |
| |) | ORDER |
| vs. |) | |
| |) | |
| HOWARD SKOLNIK, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

Fed. R. Civ. P. 4(m) permits a court to dismiss an action, on its own initiative after notice to the plaintiff, for failure to serve a summons on a defendant within 120 days after filing the complaint. Plaintiff filed his complaint on April 11, 2008, but he has failed to serve Ted D'Amico. On February 25, 2009, the court gave the plaintiff notice of its intent to dismiss for failure to timely serve that defendant. Plaintiff has not shown good cause to excuse the lack of service. Accordingly, plaintiff's claims against defendant Ted D'Amico are dismissed without prejudice.

DATED: This 15th day of July, 2009.



UNITED STATES DISTRICT JUDGE